

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

CARRIE SMITH,

Plaintiff,

Case No.
Hon.

v

KELLOGG COMMUNITY COLLEGE,

Defendant.

Lower Court:
Calhoun County Circuit Court
Case No. 19-391-CZ
Hon. John Hallacy

KREIS, ENDERLE, HUDGINS & BORSOS, P.C.
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DEFENDANT KELLOGG COMMUNITY COLLEGE'S NOTICE OF REMOVAL

Defendant Kellogg Community College ("Defendant"), through its attorneys, Starr, Butler, Alexopoulos & Stoner, PLLC, files this Notice of Removal of the above-captioned case from the Calhoun County Circuit Court for the State of Michigan to the United States District Court for the Western District of Michigan, on the basis of federal question jurisdiction. The Notice of Removal respectfully shows:

1. On or about February 20, 2019, Plaintiff Carrie Smith ("Plaintiff") commenced her lawsuit against Defendant in the Calhoun County Circuit Court for the State of Michigan, Case No. 19-391-CZ.

2. Defendant first received notice of this action on or about February 20, 2019, the date Plaintiff filed her Verified Complaint in the Calhoun County Circuit Court. This Notice of

Removal is being filed within thirty (30) days of the earliest date that Defendant could have received notice of this action pursuant to 28 U.S.C. §1446(b).

3. Copies of all process and pleadings served upon Defendant are attached to this Notice of Removal in accordance with 28 U.S.C. §1446(a). (Exhibit 1).

4. Plaintiff's Verified Complaint alleges in-part that Defendant violated the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101, *et seq.* and the Rehabilitation Act, 29 U.S.C. §794. Plaintiff's Complaint seeks unspecified monetary damages and equitable relief.

5. Therefore, this action is within the original jurisdiction of the federal courts as provided by 28 U.S.C. §1331 (Federal Question) and is one that Defendant may remove to this Court pursuant to 28 U.S.C. §1441.

6. Concurrent with the filing of this Notice of Removal, Defendant is providing notice to all counsel for Plaintiff and the Clerk of the Circuit Court for the County of Calhoun, pursuant to 28 U.S.C. §1446(d).

WHEREFORE, Defendant Kellogg Community College gives notice that the above-described action pending in the Circuit Court for the County of Calhoun, State of Michigan is being removed therefrom to this Honorable Court.

STARR, BUTLER, ALEXOPOULOS & STONER, PLLC

By: s/ Ryan J. Koss
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Dated: February 27, 2019

PROOF OF SERVICE

The undersigned says that on February 27, 2019, she has caused to be served a copy of **Defendant's Notice of Removal** and this **Proof of Service** via first class mail upon all attorneys of record.

I declare that the above statements are true and correct to the best of my knowledge, information and belief.

s/ Kiersten Plane _____
Kiersten Plane